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User Information

1. How many users can submit documents at once?
ANSWER: There is no fixed limit. Response time and expanded use will ultimately tell us what the acceptable limit might be. Enhancements to communications capacity is expected to be an ongoing task to ensure that we meet the needs of the users. (Effective: July 1999)

2. How many people at a time may view a document? How many people at a time may view the docket?
ANSWER: There are no limitations for either function. (Effective: July 1999)

3. Will the creator of the docket entry be identified?
ANSWER: Yes. All entries can be identified by the name of the person that logged in and submitted the entry. Whether and how a person's name appears in a docket entry may be determined by the court (e.g., full name, initials, etc.). (Effective: August 1999)

4. Is there a limit to the number of aliases a party may have?
ANSWER: No. (Effective: August 1999)

5. How will signature of documents be handled for documents filed electronically?
ANSWER: At present, this is a matter for local court rule or order. Most courts are currently treating use of an attorney's unique system login and password as a signature. Many courts require that attorneys retain copies of critical paper documents, such as affidavits or bankruptcy petitions, containing original signatures of parties for a set period of time. For more information on signatures please contact your Bankruptcy Judges Division (BJD) representative. (Updated: September 2001)

6. What technical expertise is required of judges and their staff in order to use the CM/ECF system?
ANSWER: CM/ECF is easy to learn and requires little technical experience to use. The basic technical skills needed are familiarity with using Windows and a web browser.

System Access
1. Will there be restrictions on who may file documents on CM/ECF?
ANSWER: Each court determines to whom filing logins and passwords are issued. At the present time, courts are providing document filing access principally to attorneys and trustees, although some courts are also providing access to claim filers. (Updated: September 2001)

2. Is the system SSL (Secure Socket Layer) enabled?
ANSWER: Yes.

3. How is filer identity authenticated?
ANSWER: Authentication is currently completed at login. Each user is required to identify himself or herself by presenting a valid combination of user name and password. Upon doing so, access to the site is granted.

4. Can the general public view ECF cases and the documents in those cases?
ANSWER: Access to view cases and documents in CM/ECF is available to anyone with a PACER login and password. PACER offers convenient electronic access to case file documents, listing of all case parties, reports of case related information, chronologies of events entered in the case record, claim registries, listing of new cases, judgments or case status, and a calendar of events. However, as a result of the policy recently adopted by the Judicial Conference, the public cannot view documents filed in Civil Social Security Appeal cases or Criminal cases.

To defray the costs of PACER and CM/ECF, the Judicial Conference has set a fee of seven cents per page for electronic court data via the internet, except for calendar information, for which there is no charge. The fee applies to all users, although courts may exempt certain persons, such as indigents or bankruptcy case trustees. Parties entitled to documents as part of the legal process receive a free electronic copy, although they will be charged for replacement copies, whether in paper or electronic form. (Updated: November 2001)

5. Will an external user be able to access CM/ECF with WebTV?
ANSWER: The user will be able to log onto CM/ECF through WebTV, but they will not be able to access pdf files through the tool. The reason is that WebTV is a browser tool with little or no memory and additional software, such as Adobe Acrobat Reader, cannot be installed on the box. (Effective: February 2002)

6. May a court use local funds to pay for high speed (cable modem/DSL) remote CM/ECF internet access?
ANSWER: The new IRM Bulletin 2001-02 Use of Judiciary-owned Portable and Personal Computers in Private Residences that was issued November 30, 2001 also applies to internet access. Courts may determine on a case-by-case basis that the service is essential in the course of official government business, and safeguards are in place to oversee and ensure that there is no personal use of the service. Under these circumstances, the court may use local funds from the JITF allocation to pay for installation and recurring and non-recurring costs.
If the court makes the decision to provide the service, the following steps should be taken.

1. For security reasons, the access must be provided through PACER, not directly through CM/ECF. As a result, permissions would be limited and some court functions would not be available.
2. The decision should be documented and approved by the Chief Judge.
3. The original approved decision should be maintained in the procurement files.
(Effective: February 2002)

System Capabilities - Filing
1. How will CM/ECF handle the filing of motions or other actions in multiple cases (e.g., trustees filing objections to claim in several cases)?
ANSWER: CM/ECF has a "batch filing" feature. Courts will be able to define the events for which batch filing will be available; the user will see these events listed in a pull-down

menu. After selecting the event, the user is presented with a box in which multiple case numbers can be entered (or, a list of case numbers can be "pasted in" from a previously created document). The application then prompts the user for the appropriate PDF document to be attached to the event for each case in the list. CM/ECF also has a batch program for use by Chapter 7 trustees, to allow mass docketing of asset and no-asset reports. (Effective: September 1999)

2. Does CM/ECF check for duplicate filings when a user opens a case? In other words, when a party name is entered, will the system alert the user to other cases in which the filer appears?

ANSWER: The CM/ECF software does not automatically check for duplicate filings. However, when adding a participant to a case, a pick list is presented with the names of parties that are already in the database. This provides a limited comparison. In bankruptcy cases, the ability to search by social security number in the Query function can assist courts in identifying duplicate filings. Providing the court staff and the bar with comprehensive training on case opening will be a key factor in avoiding this problem. (Effective: October 1999)

3. Can CM/ECF accommodate recorded audio files (e.g. WAV files) as part of the case record?

ANSWER: At this point, CM/ECF will accommodate only PDF text files or PDF image files (although a WAV file could be included within a PDF file, this has not been tested and is not, therefore, recommended). The ability to link documents and images to the case docket will address the requirements of the vast majority of cases filed. Once the Version 1 functionality has been addressed in CM/ECF, the project team will evaluate enhancements, such as support for multiple file types. (Effective: October 1999)

4. How does the system handle the filing of a multi-part motion?

ANSWER: The types of motions that an attorney or court personnel can file are displayed in a drop down window. The user can select one or a list of motions, using the control key and the mouse. The filer should select as many different motions from the list as required to accurately reflect the reliefs sought. CM/ECF then processes each of the motion parts, one at a time, leading the filer through the steps necessary to complete each part. Orders ruling on multi-part pleadings can dispose of each relief separately. (Effective: October 1999)

5. I am using CM/ECF in a prototype court. We receive notification of filings in our cases through ccMail. How can I avoid seeing the 'flashing' bar each time I receive a new message?

ANSWER: The 'flashing' bar you mention is a feature of cc:Mail and can be turned off so that you will not see it each time you receive a new message. Similarly, you can turn off the new message notification box and/or tone if that is appearing with each new message. In cc:Mail, select Tools from the menu bar. Select User Setup and then Notify in the scroll box on the left. Click to 'uncheck' Notify Dialog, Flash Window or Tone to turn off that option.

Another way to avoid constant 'flashing' is to set up your email notification to receive a daily summary report rather than a copy of the Notice of Electronic Filing each time something is filed in a case. (Effective: March 2000)

6. When a user files a pleading with the court does the system automatically serve the other parties or does the user have to do something extra to serve the others? And, do the other parties just get notification of a filing or do they get the actual document?
ANSWER: The system is set up so that when a court user or attorney files a document with the court, a notice of electronic filing is generated that includes information about what was filed, the text of the docket entry, the unique document stamp, and a list of case participants that receive email notification of the filing and a list of those that do not. The notice of electronic filing sent to those listed as receiving email notification contains a hyperlink to the document.

Whether or not the receipt of this notice constitutes "service" depends on the provisions of the local rules of procedure. Each of the prototype courts has a provision on this topic. Most provide that the filer must separately send the notice of electronic filing but need not send the filed documents to other parties registered to accept electronic service. Other parties who are not registered CM/ECF filers must generally be served in the traditional manner, with paper documents. (Effective: May 2000)

7. Does the system allow for archiving?
ANSWER: We are currently working to develop a standard archiving process that addresses current needs as well as format decay. There are, however, specific requirements that have been developed for the retrieval of data on closed cases:
- **Access to open (not sealed) case data - public access and court access.** CM/ECF provides full online access to case files for court users and PACER users.
- **Access to archived data (cases closed 10 years or less) - public access.** EPA requires that the public has "one minute delay" access to information on cases closed within the past 10 years.

- **Access to archived data (cases closed over 10 years) - public access.** EPA requires that the public has electronic "24 hour delay" access to information on these older closed cases.
- **Access to archived data - court access.** Court users require the same access as public users noted above.

8. Will the system support scanned documents in color?
ANSWER: Yes, the system does support scanned and all other documents in color, however, the size of the color document is considerably larger and local courts may have individual policies regarding color, graphics and embedded video. (Updated: September 2001)

9. Will courts be able to convert image documents?
ANSWER: The AO is developing a process to convert legacy imaged documents. This conversion will take place after the court converts their legacy data to CM/ECF. The court will select a subset of their imaged files to convert from tif to pdf. They can use the freeware program that CA-S used called c42pdf.exe by Aladdin Enterprises. It is posted along with source code whole bit on either www.activepdf.com or www.pdfzone.com. A court could create a cron job for the Image Conversion software to run daily at low usage times, so it doesn't degrade system performance.

10. How do we convert our Wade images to CM/ECF?
ANSWER: The tiff images used with Wade must first be converted to pdf. One way to accomplish the conversion is to use a software product from Davince Tools that can be run from the command line. For more information on Davince Tools refer to their website: http://www.davince.com. The District of Idaho also built a foxpro script to loop through docs.dbf identifying the tiff file name and location, then running the tiff2pdf.exe file on it and finally replacing the extension in the name field to pdf. This program will accept ranges of record numbers so it can be run from several platforms to speed up the process. The results were captured in a log file that was used to delete the old tiff files. This is also a good way to get rid of any orphan files.

Once the images are in pdf you can import the images into CM/ECF with the software provided by the AO. Please consult your SDSD representative for more information.

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System Capabilities - Other
1. Can CM/ECF transmit notice data to the Bankruptcy Noticing Center (BNC)?

ANSWER: Yes, under CM/ECF, noticing information is transmitted to the BNC in much the same manner as is done under BANCAP and NIBS. CM/ECF produces the data needed for production of notices, which is sent electronically to the BNC. The BNC returns electronic acknowledgments of receipt of the data files, and certificate(s) of service for each notice that it mails. If the court chooses, the receipt of a certificate of service will automatically cause the docketing of an event to the appropriate case, saving significant data entry time. (Effective: April 2001)

2. In what format are users required to submit the creditor matrix? Paper, diskette, electronic text file?

ANSWER: All three formats are being used. Attorneys filing electronically are able to upload the creditor matrix in .txt format into the CM/ECF system. Many courts continue to require filers to submit the creditor matrix, but in a .txt format to the court on a diskette. Still, others require paper matrices as well to facilitate local creditor editor programs. Court users do have the ability to edit the creditor list once it is entered into the system and BNC functionality is available for high and low volume noticing to all creditors listed in a case. In addition, creditor claims are docketed to the creditor record and a full claims register is available. (Effective: September 2001)

3. Will the conversion of existing ICMS data to the CM/ECF database be accomplished immediately upon installation of the ECF application? What about archived ICMS data?

ANSWER: Conversion can and in most cases should occur all at once. Specific case type information (such as all pending cases, all closed cases or all civil cases) can be converted separately, but this requires additional time, preparation, and operational efforts on the part of both the court staff and AO. The conversion software currently supports the conversion of BANCAP's archived database. A mechanism will be developed in Version 2 to convert the archived tapes. (Effective: April 2001)

4. To what extent will court staff be able to alter or modify the various parts of the CM/ECF system?

ANSWER: The AO has created guidelines and procedures to court units regarding the proper and supported uses of the standard CM/ECF source code. Source code related to security, public access billing, and statistical data will not be available for modifications. For complete details please refer to the IRM Bulletin titled *"Proper and Supported Use of Case Management/Electronic Case Files (CM/ECF) Standard Source Code"* posted on the j-net. Courts will still be responsible for installing standard CM/ECF releases within six months after release notification is sent. AO support of old versions of software ceases six months after it is replaced by a new version. (Updated: February 2002)

5. Will the new system produce all the reports the courts are required to file with the AO Statistics Division and other entities? Can multiple users enter the system while reports are being created?
ANSWER: Version 1 of the CM/ECF products, Appellate, Bankruptcy and District, provide the same statistical functionality as ICMS and NIBS. In addition, Version 1 of District CM/ECF will include Magistrate Judges Statistical Automated Reporting (MJSTAR). This will vastly improve the effectiveness and efficiency of collecting Magistrate Judges' statistics. Yes, multiple users may enter the system while reports are created. However, depending on the number of reports being created at the same time, a reduction in performance speed has been occasionally reported by courts with large databases. (Updated: April 2001)

6. Where can courts find documentation about how the new CM/ECF system addresses how to uniquely identify a person, whether a litigant, attorney or firm? On a related note, how does the new system handle the recusal issue?
ANSWER: CM/ECF cannot prevent users from entering the same person or entity multiple times with different names (e.g., "IBM" and "IBM Corp."). Courts must rely on data entry standards and quality assurance checks to control naming. There has been some discussion of requiring TaxID numbers or stock exchange codes for corporate litigants, but no action has yet been taken. This could perhaps be helpful, particularly to the recusal problem, but still would not provide a complete solution. Recusal warnings, which have limitations in their reliability, can be no better than the data provided. CM/ECF Version-1 will provide both a batched and interactive recusal checking capability similar to that provided with ICMS for bankruptcy and district courts. A future version may include interactive warnings at data entry time. For additional information, please refer to the appellate, bankruptcy and district matrices posted on the J-Net. (Updated: January 2001)

7. How does CM/ECF handle sealed records? Does it track their content and filing location or merely indicate that a document was placed under seal? Are sealed documents stored in the Informix database? If so, what controls govern who may view them?
ANSWER: CM/ECF currently has control levels for document access that allow the court to specify who can access each document. Documents may be restricted in one of two ways: by case, access to all documents in a case may be restricted or by document, access to a particular document in a case may be restricted. Restrictions to viewing a document is by the class of users defined as: no restriction, only users with logins, only users with court logins and case participants with logins, and only court personnel. Although currently no courts have yet entered sealed documents into CM/ECF, these control levels may be

employed for this purpose. Most courts require the motion to seal to be filed electronically and the relevant documents to be filed in paper form. The docket entry, or a "dummy" document linked to the docket entry, indicates the location of a sealed document. A more specific process for handling sealed documents will be part of Version 1 for district courts. (Updated: April 2001)

8. How does CM/ECF handle J&C forms? Are these built-in to the application or are they merely PDF attachments?
ANSWER: Work is underway on Version 1 of the Criminal software product and there is no special processing being designed for J&C forms. However, J&C forms, opinions, and any other documents can be stored in PDF and attached to a docket entry.

9. Will ECF have Applied Docketing capabilities that will allow a user to apply one transaction to more than one case?
ANSWER: Yes, CM/ECF supports Multicase Docketing, for making the identical entry with the same document in each case; and Batch Filings, for making the same entry but with different documents for each case. (Effective: April 2001)

10. Will ECF allow docketing on closed cases?
ANSWER: Court staff will be able to docket closed cases, however, attorneys will not. In either case, a warning message will be returned.

11. Where should the court go to address bandwidth concerns?
ANSWER: The AO is implementing a frame relay system for Internet access to and from the courts, including CM/ECF. In summary, any technical concerns, including bandwidth should be first directed to the Court's Help Desk/Systems Staff. Upon issue identification, the Court's Help Desk/Systems Staff may escalate to SDSD, Network Management Facility or Sprint. *Information may be found in the CM/ECF Readiness Kit, Section 6.3, Local Lines of Communication, and 6.4, Escalation Protocols.* (Effective: September 2001)

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Systems Interface
1. The CM/ECF prototype courts have been running on a system located at the AO; is this the approach planned for the project as a whole?
ANSWER: The standard hardware configuration for the CM/ECF application includes two Unix servers to be housed at each individual court. In addition to the two servers, an off-site Database Replication Server (DRS) will function as a real-time backup to a court's CM/ECF Informix database. We are in the process of decentralizing the prototype courts,

CA-S, GA-N, VA-E and NY-S, one district prototype court, MO-W, is live on local servers. The remaining bankruptcy prototype court and district prototype courts are scheduled to go live on their local servers in the near future. (Effective: June 2001)

2. Will there be data conversion routines available to move case information from legacy systems to CM/ECF?
ANSWER: Yes. Conversion software has been developed for the nationally supported BANCAP and NIBS applications. To date, seven bankruptcy courts have been converted with more scheduled in the near future. Development is currently underway to convert civil and criminal cases from ICMS to CM/ECF. (Effective: June 2001)

3. To what extent will the noticing component of CM/ECF, or any other component of the product for that matter, be dependent upon a particular email system?
ANSWER: The CM/ECF system is not dependent upon the court's email system. It uses standard features of Internet email so that it can work with the great variety of systems that the attorneys may have. (Effective: August 2000)

4. Does the CM/ECF system contain an interface to another application (e.g. FAS4T, JMS, CFS, MS-Office, Lotus Notes, just to name a few) that a court would reasonably wish to take advantage of?
ANSWER: Currently, the AO CM/ECF Project Team is not developing any interfaces with other applications such as FAS4T. However, an interface may be developed by the AO in a future release after Version 2 of Bankruptcy and District software, or a court may assist the project by developing such an interface.

5. Are there pre-packaged "extractors" or "feeds" to external information sources such as the NY Law Journal, Lexis and Westlaw or must we write our own?
ANSWER: The early versions of CM/ECF for all court types will not contain "extractors" or "feeds" to those external information sources. This feature was identified in the court requirements and will be considered for a future release. (Effective: January 2001)

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Document/Report Specifications
1. Some dockets are very long, with hundreds of entries. Can a docket report be run for only part of the docket?
ANSWER: Yes, the docket report program allows the user to request the entire docket report, or limit it by date range or document number. These options enable the report to be

run faster and relieves the user from receiving extraneous information or for public users, being billed for extraneous information. (Effective: August 1999)

2. Why was Adobe PDF chosen as the document format? Does CM/ECF accept other formats such as TIFF?

ANSWER: CM/ECF only accepts documents in PDF (Portable Document Format). PDF was selected because it is an open publishing standard that preserves the author's document content and format. Both searchable text and graphical (image) documents can be stored in a PDF (including a variety of formats such as bitmaps and TIFFs). PDF also allows documents to be filed and later retrieved through CM/ECF and to be displayed and printed exactly as they looked to the original author. PDF can also be used with a variety of operating systems, including Windows and Macintosh and in conjunction with common office software products such as word processors and spreadsheets. (Effective: September 1999)

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PDF Files

1. What is Adobe Acrobat?

ANSWER: Adobe Acrobat is a commercial software package that enables you to save your document in PDF (Portable Document Format). The most recent version, 5.0, is available from retailers for approximately $220 - $250. The discount that Adobe previously offered to attorneys has been discontinued. However, there may be volume discounts that attorneys can receive if ordering multiple copies for their firm. Contact Adobe for more information. (Effective: June 2001)

2. How do I create a PDF file and how do I ensure that the printed copy of the document matches the public/docketed version?

ANSWER: Follow these steps:

1. When creating a new document to be filed, before writing the document, first change the print driver from the default printer (e.g., HP5Si) to "Acrobat PDFWriter" by selecting File/Print and then selecting "Acrobat PDFWriter" as the current printer.

2. Write your document and when finished, select File/Print. Ensure that "Acrobat PDFWriter" is selected as the printer and then name your file (and place it in the proper directory) and click OK. The file will be created with a .pdf extension. In doing this, you

are not actually printing your document to a printer; instead you are saving it to a file. To print a physical copy of the document, open the newly created .pdf file and print to your local printer. Always print from this PDF file, rather than the word processed file that created it to ensure that the paper and electronic versions are consistent with each other.

Alternatively, you can set the printer to "Acrobat PDFWriter" after the document has been created to save it to a PDF file, but there is a possibility of introducing a formatting discrepancy, if, for instance, a page break is not the same in the PDF file as it was in the word processed file.

Adobe Acrobat 5.0 was tested for its ability to maintain font integrity through conversions to PDF of documents created in WordPerfect version 8 and Microsoft Word 97. All of the 32 fonts tested were done with a 12 point size. The results show that while characteristics of some fonts were lost in the conversion (e.g., appeared smaller), every font conversion produced legible results and none produced a problem with either character spacing or character overlap (superimposition). The results of these tests are in the tables below. (Effective: June 2001)

3. Can you search a PDF file that was created by scanning original hard copy documents?
ANSWER: It is possible to do full-text search of PDF text files but not PDF scanned files. However, an option with scanning is Optical Character Recognition (OCR), where the scanning software attempts to convert each letter to text. (The Adobe Capture package allows conversion of scanned pages to PDF files that are text searchable, using an OCR process.) The drawback is that the OCR process is generally about 95% - 97% accurate and each mistake that is made in the conversion must be fixed by the person who scanned the document. This can take a fair amount of time, especially with a large document

The full-text search capability in CM/ECF, a program called Webinator, has been used by some of the courts, but not extensively to date. Because this program is installed on the court's local server, it is available only to court users. (Effective: June 2001)

4. Are there benchmarks on the relationship between the number of pages and the PDF file size?
ANSWER: PDF text files average 2.5 KB per page, with a range of 2-6 KB. PDF image files average 65 KB per page, with a range of 30-150 KB. Appropriate calculations can be based on this per page average. (Effective: June 2001)

5. Are there benchmarks on the relationship between the WordPerfect or Word file size and the PDF file size?
ANSWER: A PDF text file (using a standard font) is approximately 5-10% smaller than the corresponding WordPerfect or Word file. (This assumes that the PDF file was created with a standard font. Non-standard fonts will significantly increase the size.) (Effective: June 2001)

6. What are some of the imaging procedures used in the courts? What are the size limitations of scanning?
ANSWER: The CM/ECF Project Team recently released a document outlining imaging practices, Creating PDF Documents, dated August 21, 2001. The document can be found at: http://jnet/it/ecf/imaging.pdf. A suggested guideline for scanning by several courts is to break up large documents, limit the image to no more than 2MB, and save the document as a .pdf file. Attorneys should be trained to set up their scanner software to not use color and save the document as a .pdf file instead of a .txt file. (Effective: September 2001)

7. Are there benchmarks on the relationship between the dpi setting, the size of the file, and the length of time that it takes to scan?
ANSWER: A 100 page document that is scanned on a Ricoh IS-430 scanner (rated at 30-45 pages per minute) at a 300 dpi setting produces a file that it 6.97 MB; it takes three minutes and 85 seconds to scan. The same document that is scanned at a 150 dpi setting produces a file that is 3.67 MB and takes two minutes and 25 seconds to scan. (Effective: June 2001)

8. How does CM/ECF verify the integrity of the PDF documents?
ANSWER: CM/ECF uses two programs to verify the integrity of PDF documents - PDFcheck and ChkDocs.

ChkDocs is run nightly on the CM/ECF live database and checks for documents that have "signatures" that have been altered. It then writes to a log file on the inside server and sends an e-mail to the designated administrator.

PDFcheck automatically analyzes the structure of each PDF document that is uploaded into CM/ECF to ensure that it does not contain any action, such as viruses, within it that could be dangerous to the host machine or any PC accessing the document. It also collects information as whether the document is, in fact, a pdf document, if it is encrypted, and the number of pages. The Utility menu on the CM/ECF application contains a menu option to "Verify a Document" should a user wish to run the PDFcheck program. (Effective: February 2002)

Specifics for Judges

1. How do courts accept and process proposed orders?
ANSWER: Many courts desire the ability to edit orders before they are docketed in the case. As a result, courts have developed various procedures for the submission of proposed orders outside of CM/ECF. Listed below are some options:

1. The party sends a proposed order in a word processing format directly to chambers or a designated individual on the court's staff via e-mail, or to the clerk's office on a diskette. The judge then edits the proposed order, if necessary, saves it in an "out box" directory for the courtroom deputy or case administrator to convert to a .pdf file and docket.
2. The party is instructed to provide a hard copy of the proposed order along with a diskette containing an electronic copy.
3. The proposed order is filed by e-mail or diskette in .pdf format. A signature image could be inserted into the .pdf file, or if the judge wants to revise the proposed order, the text could be cut and pasted into a new document.

For additional information on proposed orders procedures please contact your BCAD or BJD representative. (Effective: September 2001)

2. Will there be any technical, legal or practical requirement for each chambers to use CM/ECF for its entire caseload? Is it possible for chambers to opt out of CM/ECF?
ANSWER: The extent to which CM/ECF is used in chambers is up to the discretion of each chambers. Although we expect the simplicity and convenience of the system to result in expanded use over time, it is certainly possible for judges to continue to use paper documents while their chambers staff use the electronic system. (Updated: June 2001)

3. How does the CM/ECF system handle case assignment for both District and Magistrate judges?
ANSWER: The judge selection feature in both district and bankruptcy CM/ECF is still under development and will be in Version 2. Courts are currently using their previously existing case assignment programs to perform this function. (Updated: June 2001)

4. What technical expertise is required of judges and their staff in order to use the CM/ECF system?
ANSWER: CM/ECF is easy to learn and requires little technical experience to use. Familiarity with using Windows and a web browser are the basic technical skills needed.

Although judges and their staff can quite easily learn to run queries, run reports, make docket entries and file documents, the court could adopt processes under which the Clerk's Office would perform these tasks for some or all chambers. (Updated June 2001)

5. Does CM/ECF meet the requirement of Fed. R.Civ.P. 79(b) which states that the clerk maintain a copy of final judgments?
ANSWER: A note of the Advisory Committee that accompanied a 1946 amendment to Fed. R.Civ.P. 79, addressed this subject and clarified that the courts do not need to maintain the judgment books as long as necessary data is permanently maintained. Therefore, keeping data within the CM/ECF system satisfies the requirements of Fed. R.Civ.P. 79. (Updated June 2001)

6. Do courts have to use the electronic files portions of CM/ECF?
ANSWER: No. Courts may choose to use only the case management portion of the new software and continue as a paper only operation. The Electronic Case Files portion is optional. There are also multiple ways that courts can use the ECF capabilities or they can scan documents received in paper form. They can permit filing of documents in electronic form. Scanning may also be needed as a supplemental process to convert documents that cannot be obtained in electronic form. (Updated June 2001)

7. When is CM/ECF coming?
ANSWER: Rollout of Version 1 of the CM/ECF bankruptcy product began early in 2001, and is progressing in waves of six to nine courts every two months. Implementation is currently at various stages in more than 40 bankruptcy courts. Independent testing of Version 1 of the CM/ECF district court product (with both civil and criminal functionality) began in August 2001, and a "wave test" of six district courts started in the Fall of 2001. A full appellate system is scheduled for completion in 2003. Full implementation is expected to be completed in early 2005. (Updated: September 2001)

8. How will the implementation work?
ANSWER: The CM/ECF project provides courts the opportunity to indicate their preferences for scheduling implementation, and considers those preferences in developing the implementation schedule. Court implementation is expected to take about 10 months, which includes a four-month "preliminary phase" involving receipt of hardware and software, receiving training, and planning work. The six-month "implementation phase" involves developing the CM/ECF dictionary and the procedural and process modifications associated with the new system. A team from the Administrative Office is assigned to assist each court and will make visits to the court as needed. Written and training materials are also provided to each court. (Updated: June 2001).

9. How does CM/ECF handle sealed records? Does it track their content and filing location or merely indicate that a document was placed under seal? Are sealed documents stored in the Informix database? If so, what controls govern who may view them?

ANSWER: CM/ECF has control levels for document access that allow the court to specify who can access each document. Although currently no courts have yet entered sealed documents into CM/ECF, these control levels may be employed for this purpose. Most courts using electronic filing require the motion to seal to be filed electronically and the relevant documents to be filed in paper form. The docket entry, or a dummy document linked to the docket entry, indicates the location of a sealed document. A more specific process for handling sealed documents will be part of Version 1 for district courts. (Updated: January 2001)

10. Will federal or local rules be in place to establish procedures for electronic filing?

ANSWER: The Federal Rules of Procedure currently authorize individual courts to permit electronic filing of documents by local rule. See Fed.R.Civ.P. 5(e); Fed.R.Crim.P. 49(d); Fed.R.App.P. 25(a)(2)(D); Fed.R.Bankr.P. 5005(a), 7005, 8008(a). Rules authorizing service of documents (but not service of process) by electronic means with parties' consent are expected to be in effect in December 2001. Each court using or planning to allow parties to file electronically will need to issue authorizing local rules and procedures. A set of model local procedures is being developed by the Committee on Court Administration and Case Management. Information about developing rules is available on the CM/ECF project website on the J-Net (under Legal Policy Issues), and most courts have their local rules and procedures on their websites. (Effective: June 2001)

11. How does the court record and preserve the debtor's original signature? Who will maintain this document? How long must this be saved?

ANSWER: In some courts, the U.S. Attorney has requested that the debtor's originally signed declaration concerning the petition and schedules be stored in the clerk's office. Other courts have procedures requiring attorneys to keep the original documents. In most cases, signatures on electronically submitted documents will be indicated with "s/"above the party's typed name.

The procedures for preserving the debtor's original signatures vary among the courts. In some courts, the attorney is required to retain paper copies of critical documents, such as affidavits or petitions, containing the debtor's original signature for a set period of time (e.g., four years). Other courts maintain that the originals of documents requiring signatures

must be maintained until the time allowed for appeal has elapsed. In another court, documents requiring original signatures shall be filed electronically with originally executed copies maintained by the filer.

The Bankruptcy Judges Division (BJD) has drafted a paper outlining the various issues related to signatures. Please contact your BJD representative for a copy.

(Effective: September 2001)

Specifics for Attorneys

1. Can an attorney add new attorneys to the database?
ANSWER: Only court staff with appropriate permissions may add attorneys to the database as system users. However, it is possible for an attorney to add another attorney to a case, and to the database, during case opening. The new attorney would NOT have filing privileges. In order to obtain those privileges, the attorney must make the proper application to the court and, if approved, a member of the court staff with appropriate permissions could assign a login and password. (Updated: July 2001)

2. What should an attorney or court user do if the document he or she is filing is not listed in the pick list?
ANSWER: Each court maintains its own event dictionary. If a user wishes to file a document that is not listed in the pick list, he or she can contact the person maintaining the dictionary and request that an event be added. It is up to the court to determine whether to add a new docket dictionary event. The update can be accomplished within a few minutes. (Updated: July 2001)

3. Will attorneys be able to access the CM/ECF system after the court's regular business hours to file cases and review documents/docket sheets?
ANSWER: The system can be made available 24 hours a day, 7 days a week. However, the system will be down from time-to-time for maintenance and system updates.

4. Is CM/ECF browser specific?
ANSWER: District Version 1 will be compatible with both Netscape versions 4.6 or 4.7 and Internet Explorer version 5.5. Bankruptcy version 1 is compatible with Netscape versions 4.6 or 4.7. The CM/ECF team is currently testing the bankruptcy version 1 product with Internet Explorer version 5.5 to certify its compatibility with the CM/ECF system. However, we currently have some users accessing the system through Internet Explorer with positive results. In either case, your browser must be JavaScript-enabled. (Updated: November 2001)

5. Is CM/ECF word processor specific?
ANSWER: No, you may use any word processor that can convert documents to PDF. (Effective: April 2001)

6. What is Adobe Acrobat?
ANSWER: Adobe Acrobat is a commercial software package that enables you to save your document in PDF (Portable Document Format). The most recent version, 5.0, is available from retailers for approximately $220 - $250. The discount that Adobe previously

offered to attorneys has been discontinued. However, there may be volume discounts that attorneys can receive if ordering multiple copies for their firm. Contact Adobe for more information. (Effective: June 2001)

7. Question: How do I create a PDF file and how do I ensure that the printed copy of the document matches the public/docketed version?
ANSWER: Follow these steps:

1. When creating a new document to be filed, before writing the document, first change the print driver from the default printer (e.g., HP5Si) to "Acrobat PDFWriter" by selecting File/Print and then selecting "Acrobat PDFWriter" as the current printer.

2. Write your document and when finished, select File/Print. Ensure that "Acrobat PDFWriter" is selected as the printer and then name your file (and place it in the proper directory) and click OK. The file will be created with a .pdf extension. In doing this, you are not actually printing your document to a printer; instead you are saving it to a file. To print a physical copy of the document, open the newly created .pdf file and print to your local printer. Always print from this PDF file, rather than the word processed file that created it to ensure that the paper and electronic versions are consistent with each other.

Alternatively, you can set the printer to "Acrobat PDFWriter" after the document has been created to save it to a PDF file, but there is a possibility of introducing a formatting discrepancy, if, for instance, a page break is not the same in the PDF file as it was in the word processed file.

Adobe Acrobat 5.0 was tested for its ability to maintain font integrity through conversions to PDF of documents created in WordPerfect version 8 and Microsoft Word 97. All of the 32 fonts tested were done with a 12 point size. The results show that while characteristics of some fonts were lost in the conversion (e.g., appeared smaller), every font conversion produced legible results and none produced a problem with either character spacing or character overlap (superimposition). The results of these tests are in the tables below. (Effective: June 2001)

Fonts that maintained integrity in the conversion from WordPerfect 8 to PDF

Albertus Extra Bold	Courier New
Albertus Medium Bold	Haettenschweiler
Antique Olive	Impact
Arial	Letter Gothic
Arial Black	Letter Gothic MT
Arial NarrowBook Antiqua	Line Printer
Bookman Old Style	Marigold
Century Gothic	Modern
Century Schoolbook	Symbol (2 styles)
CG Omega	Tahoma
CG Times	Times New Roman
Clarendon Condensed Bold	Times New Roman (bold)
Comic Sans MS	Univers
Coronet	Univers Condensed Regular
Courier	Verdana

Fonts that were altered in the conversion from WordPerfect 8 to PDF

Coronet	appears much larger and in a different font, an Adobe default font
Line Printer	appears much larger and in a different font, an Adobe default font
Marigold	appears much larger and in a different font, an Adobe default font

Fonts that maintained integrity in the conversion from Word 97 to PDF

Arial	Garamond
Arial Black	Haettenschweiler
Arial NarrowBook Antiqua	Impact
Bookman Old Style	Letter Gothic
Century Gothic	Symbol (2 styles)
Century Schoolbook	Tahoma
CG Times	Times New Roman
Comic Sans MS	Univers
Courier	Univers Condensed Regular
Courier New	Verdana

Fonts that were altered in the conversion from Word 97 to PDF

Albertus Extra Bold	bold characteristic lost, appears in a different font, an Adobe default font
Albertus Medium Bold	appears in a different font, an Adobe default font
Antique Olive	appears much smaller and in a different font, an Adobe default font
CG Omega	appears much smaller and in a different font, an Adobe default font
Clarendon Condensed Bold	appears much smaller and in a different font, an Adobe default font
Coronet	appears much larger and in a different font, an Adobe default font
Line Printer	appears much larger and in a different font, an Adobe default font
Marigold	appears much larger and in a different font, an Adobe default font
Modern	appears in a different font, an Adobe default font
Times New Roman (bold)	appears in a different font, an Adobe default font

8. Can any member of the public use CM/ECF to file documents with the Court?
ANSWER: No. Currently, access to CM/ECF for filing is available only to users authorized by the court. Most courts are currently allowing only attorneys to register for filing logins and passwords, although some courts issue logins and passwords to trustees. (Updated: July 2001)

9. Can the general public view CM/ECF cases and the documents in those cases?
ANSWER: Access to view cases and documents in CM/ECF is available to anyone with a PACER login and password. PACER offers convenient electronic access to case file documents, listing of all case parties, reports of case related information, chronologies of events entered in the case record, claim registries, listing of new cases, judgments or case status, and a calendar of events. However, as a result of the policy recently adopted by the Judicial Conference, the public cannot view documents filed in Civil Social Security Appeal cases or Criminal cases.

To defray the costs of PACER and CM/ECF, the Judicial Conference has set a fee of seven cents per page for electronic court data via the internet, except for calendar

information, for which there is no charge. The fee applies to all users, although courts may exempt certain persons, such as indigents or bankruptcy case trustees. Parties entitled to documents as part of the legal process receive a free electronic copy, although they will be charged for replacement copies, whether in paper or electronic form. (Updated: November 2001)

10. What hardware and software will attorneys need to participate in CM/ECF?
ANSWER: Attorneys will need the following hardware and software to electronically file, view, and retrieve documents in the electronic filing system:

- A personal computer running a standard platform such as Windows, Windows 95, Windows 98, or Macintosh.
- An Internet provider using Point to Point Protocol (PPP).
- Netscape Navigator version 4.6 or 4.7. Netscape 6 is not recommended for use with CM/ECF. The CM/ECF technical staff are currently testing Internet Explorer version 5.5 to certify its compatibility with the CM/ECF system. However, we currently have some users accessing the system through Internet Explorer with positive results. (128 bit encryption is recommended)
- Adobe Acrobat PDF Writer software to convert documents from a word processor format to portable document format (PDF). Acrobat Writer Versions 3.X , 4.X, and 5.0 adequately meet the CM/ECF filing requirements. The most recent version, 5.0, is available from retailers for approximately $220 - $250. The discount that Adobe previously offered to attorneys has been discontinued. However, there may be volume discounts that attorneys can receive if ordering multiple copies for their firm. For viewing documents, not authoring them, Adobe Acrobat Reader only is needed.
- A PDF compatible word processor like Macintosh or Windows based versions of WordPerfect and Word.
- A scanner to transmit documents that are not in your word processing system

11. Will someone submitting a long document monopolize the system to the detriment of other users? How long will it take to transmit/receive lengthy documents?
ANSWER: A user submitting a large document to CM/ECF will not interfere with other users' access. The system uses webbed technology which is designed to service large numbers of users simultaneously.

The time it takes to transmit or receive a document primarily depends on the user's Internet Service Provider (ISP), modem speed, and the size of PDF file being transmitted or received. Generally, the larger the file, the longer it will take to load. Local courts may

restrict the size of certain types of documents by local rule or policy, just as they do currently.

The CM/ECF system will accept both text and image PDF files. The text PDF file is usually the result of saving a document from a word processor in PDF format using Adobe Acrobat PDFWriter. The image PDF file is usually created by scanning a paper document in PDF format. The text file can be transmitted to the CM/ECF application faster than the image file because it is much smaller in size. While the difference in speed is usually not noticeable in a 1 or 2 page document, the difference can be significant when a document reaches about 20 pages in length.

Attorneys may submit attachments that are extremely large (more than 50 pages) that will take a long time to download, even in text format. We suggest that each court establish filing procedures that encourage attorneys to file text documents, whenever possible, to break lengthy documents into logical pieces that can be uploaded and downloaded separately, and to label each piece with a descriptive title. This will not only reduce the filing time but will also allow users who wish to access the document(s) to download only those portions needed, thus saving time. (Effective: July 2001)

12. When a user files a pleading with the court does the system automatically serve the other parties or does the user have to do something extra to serve the others? And, do the other parties just get notification of a filing or do they get the actual document?

ANSWER: The system is set up so that when a court user or attorney files a document with the court, a notice of electronic filing is generated that includes information about what was filed, the text of the docket entry, the unique document stamp, and a list of case participants that receive email notification of the filing and a list of those that do not. The notice of electronic filing sent to those listed as receiving email notification contains a hyperlink to the document.

Whether or not the receipt of this notice constitutes "service" depends on the provisions of the local rules of procedure. Most provide that sending of an electronic notice of filing constitutes service. (Effective: March 2000)

13. Will there be restrictions on who may have access to the CM/ECF system for the purpose of filing documents? Will there be restrictions on who may have access to the CM/ECF system for the purpose of seeing the filed documents or for other purposes?

ANSWER: Each court determines to whom filing logins and passwords are issued. At the present time, courts are providing document filing access principally to attorneys, although

some courts are also providing access to US trustees and other bankruptcy trustees. Some courts are considering issuing passwords for claim filers.

The issues relating to access to already filed documents has been the subject of considerable discussion. Most, if not all courts are currently allowing public access through the Internet to the electronic documents. CM/ECF allows a court to selectively limit access to specific documents or all documents filed in a case. The Judicial Conference will be considering recommendations relating to remote public access to electronic documents at its September 2001 meeting. (Updated: August 2001)

14. How will signature of documents be handled for documents filed electronically?

ANSWER: At present, this is a matter for local court rule or order. All courts using electronic filing are currently treating use of an attorney's unique system login and password as a signature. Most of the courts require that attorneys retain copies of critical paper documents, such as affidavits or bankruptcy petitions, containing original signatures of parties for a set period of time. (Updated: August 2001)

15. Will federal or local rules be in place to establish procedures for electronic filing?

ANSWER: The Federal Rules of Procedure currently authorize individual courts to permit electronic filing of documents by local rule. See Fed. R. Civ. P. 5(e); Fed. R. Crim. P. 49(d); Fed. R. App. P. 25(a)(2)(D); Fed. R. Bankr. P. 5005(a)(2), 7005, 8008(a). Most of the courts have issued a rule or general order authorizing electronic filing. Most courts' rules are also available on their websites.

As each court prepares for CM/ECF implementation, it will need to issue its own authorizing rules. The summary mentioned above will be helpful in this effort. A set of "model rules" for electronic filing is under consideration by the Judicial Conference. Amendments to the Civil Rules and Bankruptcy Rules that would permit service of documents by electronic means with parties' consent are expected to go into effect in December 2001. Similar amendments to the Criminal Rules and Appellate Rules are pending before the Judicial Conference.

16. How are fees paid?

ANSWER: ECF courts generally require attorneys to pay bankruptcy fees for cases filed electronically via credit card payment. The attorney will complete and submit to the court a Credit Card Authorization form with a credit card number for the court to use. The court will maintain the credit card numbers in a secure area and process the bankruptcy fees the day following any filings. Most courts continue to accept cash and checks for over the counter filings.

Currently, the Southern District of California and the Southern District of New York bankruptcy courts are testing a new enhancement which allows filers authorized by the court the ability to directly pay filing fees on CM/ECF using the U.S. Treasury Internet credit card service. Upon the successful submission of a docket entry requiring a filing fee payment as filing a bankruptcy petition, the filer will immediately be offered the option to pay the filing fee via the Internet. Assuming the filer chooses to immediately pay, the individual will be electronically redirected to the U.S. Treasury site for electronic payment. Upon the successful processing of the credit card payment on the Internet, the filer will receive a receipt and an "Internet credit card payment" docket event will be automatically entered into the case record. (Effective: September 2001)

17. What happens if a document is filed in error?

ANSWER: Most errors will be immediately advertised through the real time electronic notices and access to the docket report; making deletions of entries to the docket or associated .pdf documents very rare, if ever. CM/ECF allows court personnel to edit errors made in the docket entry. Besides making the appropriate corrections, the court may need to ask participants to submit amended pleadings. Instances that affect calendar entries and noticing will need to be redocketed. Many courts are choosing not to edit the docket entry and use a "corrective entry" event, which officially records substantive errors on the docket sheet and will generate a Notice of Electronic Filing. This allows the distribution of the correct information to the participants who originally received the erroneous information.

Standardized text for uniformity in annotating changes have been incorporated by many courts. (Example: ERROR: ATTACHED PDF DOES NOT MATCH DOCKET TEXT). (Effective: September 2001)

18. How does the court record and preserve the debtor's original signature? Who will maintain this document? How long must this be saved?

ANSWER: In some courts, the U.S. Attorney has requested that the debtor's originally signed declaration concerning the petition and schedules be stored in the clerk's office. Other courts have procedures requiring attorneys to keep the original documents. In most cases, signatures on electronically submitted documents will be indicated with "s/"above the party's typed name.

The procedures for preserving the debtor's original signatures vary among the courts. In some courts, the attorney is required to retain paper copies of critical documents, such as affidavits or petitions, containing the debtor's original signature for a set period of time (e.g., four years). Other courts maintain that the originals of documents requiring signatures must be maintained until the time allowed for appeal has elapsed. In another court,

documents requiring original signatures shall be filed electronically with originally executed copies maintained by the filer.

The Bankruptcy Judges Division (BJD) has drafted a paper outlining the various issues related to signatures. Please contact your BJD representative for a copy.
(Effective: September 2001)

19. What about court generated documents that require certification?
ANSWER: Currently, the district and bankruptcy courts enter court generated documents into the CM/ECF system in PDF format. On request they will print a copy of the document and affix the certification or seal in the traditional manner. The bankruptcy courts are experimenting with attaching an imaged seal to the Notice of Bankruptcy Case Filing. This is intended to take the place of the traditional seal. If this proves to be successful, it could be expanded to other documents requiring certification or seal.

The long-term solution is that persons requiring the certified documents (such as sheriffs or banks) can view the electronic document directly in the court's database; this will eliminate the presentation of fraudulent documents that occurs in today's paper environment.
(Effective: November 1999)

20. How exactly is a court to handle the following non-electronic filings: documents that are not, or cannot, be rendered into PDF format; pro se or prisoner litigants who do not have access to a computer; counsel that do not have computers?
ANSWER: Documents that can be scanned can also be stored in PDF format. Documents that cannot be scanned (due to oversized pages, poor quality or excessive length) can be maintained in a paper file. The corresponding docket entry for such documents would contain a note or hyperlink to a note stating that the document is not available electronically. Pro se litigants can be offered the use of public terminals in the court to complete their filings or the court can accept paper filings and scan them. Prisoner petitions can also be scanned or the court can choose to maintain paper files for such cases. Counsel without access to computers can either fax their documents or submit them to court staff to be scanned. (Updated: January 2001)

21. Describe a CM/ECF court's claims process. How are large attachments to claims managed? How are claims activities monitored? Are there any special accommodations for cases with thousands of claims?
ANSWER: Attorneys and other CM/ECF participants can prepare the proof of claim as a word processing document or in a bankruptcy preparation software program, convert it to a .pdf document and submit it to the court. The processing of claims with attachments varies among the live CM/ECF courts. The practices include scanning all claim documents, scanning a set number of pages, scanning a one-page summary, breaking the attachment

into manageable smaller files and scanning them separately, or scanning the front page which has been stamped to indicate that the attachment is available in the clerk's office. Some courts have hired temporary employees to handle the scanning load and at the same time, proactively working with the attorneys to encourage them to file the claims electronically.

Many courts are allowing certain creditors limited access to CM/ECF for the purpose of filing claims and related pleadings. State and federal agencies, financial firms and Becket & Lee have been filing claims in some CM/ECF districts. LA-M provides a limited access password to the live system for local creditors trained at the court. Out-of-town creditors are trained via the telephone. For the large creditors, a conference call may be used to train several people at the same time. (Effective: September 2001)

21. Are CM/ECF courts fulfilling the intent of BR 1007(I) by providing an electronic copy of petitions, lists, schedules etc.?

ANSWER: Providing the access to the documents granted to parties free of charge through the CM/ECF system can satisfy the requirement that a copy be transmitted to the U.S. Trustee. With the CM/ECF system, an e-mail is transmitted to the U.S. Trustee with a link to the document. Since most courts require CM/ECF participants to agree to accept e-mail notification with a link to the document as electronic service, the U. S. Trustee agrees to accept this method electronic service when signing up for CM/ECF. Bankruptcy Rule 5005(a)(2) states that an electronically filed document "constitutes a written paper," so it is clear that the electronic version is a "copy" that satisfies Bankruptcy Rules 1002(b) and 1007(l). The word "transmit" was chosen deliberately, in consultation with the Director of the Executive Office for U.S. Trustees, to permit the clerk and parties to use delivery methods other than those authorized for effecting "service" when providing documents to the U. S. Trustee. Theoretically, the duty to "transmit" rather than "serve" would permit the court to send the petition and schedules, etc. to the U.S. Trustee without obtaining the written consent required before electronic service would be proper under Civil Rule 5(b)(2)(D)/Bankruptcy Rule 7005 as amended 12/01/01. Imposing electronic transmission unilaterally, of course, would not nurture a cooperative relationship with the U.S. Trustee. Accordingly, it would be best to obtain the U.S. Trustee's consent, just as the court would from any registered user. The U.S. Trustee's CM/ECF registration form should contain: 1) a waiver of traditional service/consent to electronic service, 2) an agreement to e-mail notification with the link to the document as equivalent to service, and, 3) in the case of the U.S. Trustee, as equivalent to "transmission." (Effective: February 2002)

Court Operations

1. What are some of the implementation strategies used by CM/ECF courts?
ANSWER: The AO's primary goal is to move the courts from their legacy case management system (BANCAP or NIBS) to CM/ECF. The degree to which a court wishes to implement Electronic Case Filing (ECF) may vary from court to court. One strategy for a court to follow is:

1. Convert data (and images if applicable) from legacy systems.
2. Use CM only for a short period to ensure everything is working properly.
3. Implement ECF with attorneys who file a high volume of cases in increments. Also, target chapter 13 trustees, chapter 7 trustees and the office of the U.S. Trustee.
4. Add remaining attorneys to ECF for full functional advantage of electronic case files in groups as attorney training proceeds.

(Effective: September 2001)

2. What happens when a wrong code was used to electronically file a document?
ANSWER: Since a full text pull down list is presented to the user during docketing of an event, there are no codes that must be remembered. If an incorrect entry was made, the court staff may either edit the entry, add an amended entry, or indicate the entire entry was entered in error and submit a new docket entry. (Effective: July 1999)

3. How are fees paid?
ANSWER: ECF courts generally require attorneys to pay bankruptcy fees for cases filed electronically via credit card payment. The attorney will complete and submit to the court a Credit Card Authorization form with a credit card number for the court to use. The court will maintain the credit card numbers in a secure area and process the bankruptcy fees the day following any filings. Most courts continue to accept cash and checks for over the counter filings.

Currently, the Southern District of California and the Southern District of New York bankruptcy courts are testing a new enhancement which allows filers authorized by the court the ability to directly pay filing fees on CM/ECF using the U.S. Treasury Internet credit card service. Upon the successful submission of a docket entry requiring a filing fee payment as filing a bankruptcy petition, the filer will immediately be offered the option to pay the filing fee via the Internet. Assuming the filer chooses to immediately pay, the individual will be electronically redirected to the U.S. Treasury site for electronic payment. Upon the successful processing of the credit card payment on the Internet, the filer will receive a receipt and an "Internet credit card payment" docket event will be automatically entered into the case record. (Effective: September 2001)

4. How can the operations staff identify repeat filers?
ANSWER: The standard reports available with the application, as well as the national U.S. Party/Case Index, allow court staff to check for repeat filings and filings in other districts at any time. (Effective: September 1999)

5. What are the Quality Assurance procedures under CM/ECF?
ANSWER: With the addition to CM/ECF to the court, the role of the Case Administrator will change to more of a Quality Control Analyst. Standard court Quality Control (QC) procedures will continue, however, the process should be adjusted to address CM/ECF. Areas unique to CM/ECF may include:
   • Viewing the Cases report for new filings.
   • Reviewing .pdf documents to be sure the files are readable, and that they match the event and case. This may be a new task for courts new to the imaging process.
   • A change from data verification with paper forms and documents to online access of documents with split screen procedures to validate and compare data.
   • During the initial phase, courts may choose to validate every filing and .pdf document submitted.
   • Anticipation of heavy QC on Mondays and after holidays due to the 24/7 access to the system.
   • Closely monitoring and validating electronic fee payments and processing.
Standard CM/ECF reports are adequate at this time for data validation. The most commonly used reports are the *Docket Activity Report, Case Flags Report, Pleadings Requiring Fees Report, Cases Report* as well as the non-public *Docket Report*. A fully developed editing program is available and various levels of permissions can be assigned at the user or group level.
Most of the CM/ECF courts have developed staff procedural guides outlining the quality control process. Please contact your BCAD team representative to obtain samples. (Effective: September 2001)

6. What happens if a document is filed in error?
ANSWER: Most errors will be immediately advertised through the real time electronic notices and access to the docket report; making deletions of entries to the docket or associated .pdf documents very rare, if ever. CM/ECF allows court personnel to edit errors made in the docket entry. Besides making the appropriate corrections, the court may need to ask participants to submit amended pleadings. Instances that affect calendar entries and noticing will need to be redocketed. Many courts are choosing not to edit the docket entry and use a "corrective entry" event, which officially records substantive errors on the docket

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The Bankruptcy Judges Division (BJD) has drafted a paper outlining the various issues related to signatures. Please contact your BJD representative for a copy.
(Effective: September 2001)

8. Will official court transcripts be filed electronically?
ANSWER: Each court, after consulting with the judges, clerk's office staff and court reporters, will decide in what manner the official record of proceedings will be available as part of the ECF record. Regardless of the ultimate policy decisions affecting transcripts, they can be converted into a PDF format for inclusion into the ECF system. (Effective: November 1999)

9. What about court generated documents that require certification?
ANSWER: Currently, the district and bankruptcy courts enter court generated documents into the CM/ECF system in PDF format. On request they will print a copy of the document and affix the certification or seal in the traditional manner. The bankruptcy courts are experimenting with attaching an imaged seal to the Notice of Bankruptcy Case Filing. This

is intended to take the place of the traditional seal. If this proves to be successful, it could be expanded to other documents requiring certification or seal.

The long-term solution is that persons requiring the certified documents (such as sheriffs or banks) can view the electronic document directly in the court's database; this will eliminate the presentation of fraudulent documents that occurs in today's paper environment. (Effective: November 1999)

10. Will CM/ECF affect the flow of information in our office?

ANSWER: The adoption of the case management (CM) portion of CM/ECF will allow your court to manage cases more efficiently and effectively without impacting the flow of information or staff roles in your office. The adoption of electronic filing (ECF), however, will present a unique opportunity for your court to analyze and streamline current workflow processes. Upon full utilization of the system's electronic filing capabilities, most documents will be filed directly online rather than through the intake window. This will positively impact your operations staff by allowing them the flexibility to learn new skills and take on additional responsibilities such as quality assurance and case management analysis. (Updated: January 2001)

11. Do courts need additional staff to support CM/ECF?

ANSWER: Staffing implications for the courts have been discussed, and we have findings from a study of the prototype products. But we do not yet have data regarding the impact of the current CM/ECF products which have been greatly enhanced beyond the prototype products. Some courts feel that, especially in light of the new staffing formula, they need temporary additional staff to help them through the "bubble" of the CM/ECF implementation process. A study is underway to assess that need. (Updated: January 2001)

12. How exactly is a court to handle the following non-electronic filings: documents that are not, or cannot, be rendered into PDF format; pro se or prisoner litigants who do not have access to a computer; counsel that do not have computers?

ANSWER: Documents that can be scanned can also be stored in PDF format. Documents that cannot be scanned (due to oversized pages, poor quality or excessive length) can be maintained in a paper file. The corresponding docket entry for such documents would contain a note or hyperlink to a note stating that the document is not available electronically. Pro se litigants can be offered the use of public terminals in the court to complete their filings or the court can accept paper filings and scan them. Prisoner petitions can also be scanned or the court can choose to maintain paper files for such cases. Counsel without access to computers can either fax their documents or submit them to court staff to be scanned. (Updated: January 2001)

13. Describe a CM/ECF court's claims process. How are large attachments to claims managed? How are claims activities monitored? Are there any special accommodations for cases with thousands of claims?

ANSWER: Attorneys and other CM/ECF participants can prepare the proof of claim as a word processing document or in a bankruptcy preparation software program, convert it to a .pdf document and submit it to the court. The processing of claims with attachments varies among the live CM/ECF courts. The practices include scanning all claim documents, scanning a set number of pages, scanning a one-page summary, breaking the attachment into manageable smaller files and scanning them separately, or scanning the front page which has been stamped to indicate that the attachment is available in the clerk's office. Some courts have hired temporary employees to handle the scanning load and at the same time, proactively working with the attorneys to encourage them to file the claims electronically.

Many courts are allowing certain creditors limited access to CM/ECF for the purpose of filing claims and related pleadings. State and federal agencies, financial firms and Becket & Lee have been filing claims in some CM/ECF districts. LA-M provides a limited access password to the live system for local creditors trained at the court. Out-of-town creditors are trained via the telephone. For the large creditors, a conference call may be used to train several people at the same time. (Effective: September 2001)

14. What kind of imaging equipment is being used?

ANSWER: Some courts, such as TX-W, have purchased HP ScanJet IIc scanners with an optional purchase of sheet feeders. The HP ScanJet can scan approximately 3 pages per minute, with a 30K file size. The HP ScanJet also has a 200dpi resolution. In addition, they use a HP 9100 bundled with Adobe software to scan as .pdf files. Another scanner that has been purchased by a high volume court is the Cannon DR5020. This scanner performs at 80-90 pages per minute, with the file size ranging from 25K to 75K, depending upon the setting selected.

WA-W has developed a scanning solution that allows the case managers to scan in batches. They selected Canon DR5020's scanners, which are rated at 80 - 90 pages per minute and have a 500-page paper tray at approximately $5600 per scanner. They also purchased Kofax Ascent Capture licenses for each scanner workstation. This is the software that scans, converts the TIF file to .pdf or .txt if it's a creditor matrix, and stores the file to the network. They purchased 6 scanners, and licensing for these 6 workstations (4 workstations set for 75K pages per month scanning and two workstations at 25K pages per month). There is a dongle on the back of each workstation that monitors the number of

pages scanned at each workstation. The one time licensing fee ranges from about $2500 for 25K to about $3400 for the 75K each. On top of this they purchased some professional services to create a scanning turnkey solution which includes barcode technology, creditor matrix viewer and scrape. WA-W has also purchased the source code for these services, which allows them to share the source code with other courts.

For additional information on the scanning equipment used by CM/ECF courts, please refer to the appendix in *Creating PDF Documents* found at <http://jnet/it/ecf/imaging.pdf>. (Effective: September 2001)

15. What processes have been set up for local noticing? Is it necessary to design local rules so CM/ECF notices of electronic filing will constitute traditional noticing requirements?

ANSWER: Version 1 of CM/ECF does not allow the local printing of notices for the court to distribute. Many courts have changed their low volume notices to high volume to be processed through the BNC.

When a document is filed electronically through CM/ECF, a Notice of Electronic Filing is generated via e-mail to all registered parties in the case. The e-mail notification includes information on the filing and a hyperlink to the document(s). Some courts have CM/ECF registered users' consent to receipt of the electronic notification via e-mail as notice, but still perform traditional paper noticing through the BNC with an electronically filed certificate of service. This provision is usually incorporated into local rules and/or signed agreements. Thus, the CM/ECF registered party would receive notice electronically, and in the traditional manner through the BNC. This double noticing is expected to be an interim practice. Those participants that are not registered users' of CM/ECF would continue to receive traditional notice through the BNC.

If the court requires the attorney for the movant, to notice a particular motion or hearing, then the attorney can give notice to CM/ECF participants by means of the Notice of Electronic filing, but will have to mail paper copies of the notice to parties who are not CM/ECF participants. (Effective: September 2001)

16. In what format are users required to submit the creditor matrix? Paper, diskette, electronic text file?

ANSWER: All three formats are being used. Attorneys filing electronically are able to upload the creditor matrix in .txt format into the CM/ECF system. Many courts continue to require filers to submit the creditor matrix, but in a .txt format to the court on a diskette. Still, others require paper matrices as well to facilitate local creditor editor programs. Court

users do have the ability to edit the creditor list once it is entered into the system and BNC functionality is available for high and low volume noticing to all creditors listed in a case. In addition, creditor claims are docketed to the creditor record and a full claims register is available. (Effective: September 2001)

17. How do courts handle the left side of the folder?
ANSWER: Each court's implementation committee is urged to recommend procedures to their judges. Some courts return the item to the submitter with a cover memorandum, others scan the item with a private docket entry so that public users do not see it on the docket. A few others continue to maintain skeletal files with claims and correspondence. (Effective: September 2001)

18. How are cases closed?
ANSWER: CM/ECF courts are using the Cases Awaiting Closing report as the primary tool for this process. This report is configured by each court with local flags and local statuses. Local tickler flags may be used secondarily for outstanding issues for the case managers to monitor until the case is ready to be closed. The discharge process is similarly begun with the Cases Awaiting Discharge report. Courts may manually manipulate statuses and flags to keep the report current. (Effective: September 2001)

19. What procedure is used for paper documents filed in cases opened prior to the start of electronic case files?
ANSWER: Most courts are scanning the new documents into the system, but keeping the case as a paper file. They also post the cutoff dates on their website or CM/ECF screen with a message that the public must visit the court to review or obtain papers filed prior to the commencement of electronic case filing. Many have created docket events for the case indicating the start of the electronic file. Others have converted all cases to CM/ECF by scanning the original paper documents. (Effective: September 2001)

20. What are court procedures with Pro Se debtors?
ANSWER: At this point, most courts are handling pro se filings in the traditional manner - over the counter. Court staff will then scan the documents into the system. Louisiana Middle has provided directions and equipment at the intake window in order for pro se filers to file via CM/ECF. Petition Preparers are also encouraged to file .pdf files on diskette. (Effective: September 2001)

21. When opening a new bankruptcy case, my client came up as a party in another case. How do I find the case associated with my client?

ANSWER: To find the associated case, you can perform a search in the Query menu using the Name and Social Security Number. Click on the Notice of Bankruptcy Filing to obtain the case number and date the case was filed. (Effective: February 2002)

22. How can we help our CM/ECF committees be more efficient?
ANSWER: The Western District of Washington suggested asking committee chairs to share meeting agendas with all members prior to the meeting for better preparation. In addition, for more productive meetings you may want to create a section called "Decisions to be Made in this Meeting". It is also a good idea to distribute notes from the meeting containing assigned "Action Items" or "Homework" to be completed prior to the next meeting. (Effective: February 2002)

23. How have other courts set up their help desk?
ANSWER: Texas Western has one Sprint 800 number set up in their San Antonio office to answer CM/ECF user questions. The help desk is staffed by two people who if unable to answer the question will forward the call to the appropriate department (e.g., systems or case management).

Alaska has a dedicated cell phone number for general ECF questions or problems with document filings during regular business hours (Monday through Friday, 8:30am to 4:30pm). The responsibility of answering the calls is split among two staff members. The court has also provided users with the phone numbers of the systems staff for questions regarding the system availability, and hardware or software.

Virginia Eastern has an 800 number set up to answer calls in addition to an on-line support tool created by RightNow Web. The on-line support tool stores questions and answers in a searchable database that is accessed off their website. For more information on the product please refer to their website at http://www.rightnowtech.com/.

Other courts are using or researching software products to help them run their help desk more efficiently. The U.S. Court of International Trade currently uses a customer service and support software product developed by Frontrange Solutions called HEAT. For more information on this product please refer to their website at http://www.frontrange.com.au/. Washington Western is looking at a product by Wicket.NET to help track CM/ECF calls. For more information on Wicket please refer to their website at http://wickett.net/index.html. (Effective: February 2002)

24. Are courts making the court reporter transcripts available in CM/ECF?
ANSWER: In New York Southern the contract court reporter retains the transcript for a 90-day period in which they charge the public a fee for requested copies. After the 90 days the court reporter provides the clerk's office with an electronic copy of the transcript and the clerk's office dockets it in CM/ECF. (Effective: February 2002)

25. Have any of the CM/ECF courts experienced computer outages during court sessions? If so, how did the court proceed?
ANSWER: We spoke to four courts regarding this issue. Missouri Western and North Carolina Western have not experienced any unscheduled outages since going live in 2001. New York Southern and California Southern, both prototype courts, have not experienced unscheduled outages in some time. When an outage was experienced in the past, the judge would ask the attorney to bring a document forward. (Effective: February 2002)

26. How do you add the petitioning creditors at case opening for an involuntary petition?
ANSWER: Based on written procedures developed by Texas Western, the case is opened and the "alleged debtor" is added just as a debtor is added in a voluntary case. The involuntary petition is then docketed in CM/ECF and each petitioning creditor is added as a creditor. For the involuntary petition event, the "add party function" was added by the court to allow the adding of petitioning creditors. (Effective: February 2002)

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Training
1. What types of training plans were developed by the courts for internal users?
ANSWER: A CM/ECF Train-the-Trainer course is specifically designed by SDSD for court trainers responsible for internal and external training in the use of CM/ECF. This class focuses on assisting the students in acquiring the platform and interpersonal communication skills necessary to deliver training to both in-court and attorney office personnel. For additional information please visit their website at:
http://156.132.84.151/coursedesc.asp?COURSEID=283#Course+Description
<http://156.132.84.151/coursedesc.asp?COURSEID=283>
Prerequisites for CM/ECF training should include windows, word processing, file management and browser training. (Effective: September 2001)

2. What types of training plans were developed by the courts for external users?
ANSWER: If the court chooses to implement the ECF portion, they will need to create a plan to educate the external users. When deciding what external groups to focus their

training efforts on, most courts have targeted their high volume filers first in order to reduce the amount of scanning court staff must do. External users primarily consist of attorneys and trustees. However, some courts have discussed plans to train creditors filing claims to use CM/ECF.

Training plans for the following are included in the revised (July 2001) Readiness Kit:
- Chapter 7 Trustee (NC-W)
- Chapter 13 Trustee (NC-W)
- Attorney (CA-S)

Online tutorials for attorneys, trustees and law firm staff are easily available on the Internet. A complete library of SDSD Computer-Based Training (CBT) modules for CM/ECF users are accessible anywhere on the web via the PACER site. They can be found at: <http://pacer.psc.uscourts.gov/ecfcbt/>.

In addition, several courts feature an on line CM/ECF tutorial for attorneys and law firm staffs on their external web sites. The link for the User's Guide for Court Training Specialists and Web Masters for ECF 101: A Web-Based Tutorial for Attorneys and Law Firm Staff is <http://156.132.47.230/CED/ecf_configure/index.html>.

Copies of training instructor guides, attorney user guides, and staff training guides can be found on SDSD's website: http://156.132.84.151/coursedesc.asp?COURSEID=305#Materials <http://156.132.84.151/coursedesc.asp?COURSEID=305>. (Effective: September 2001)

3. How long were the training classes for external users (attorneys and trustees)?
ANSWER: The length of training classes conducted at the court can vary. NC-W sponsors a four-hour class for attorneys, TX-W conducts a six-hour class and LA-M has a two-hour class. On the other hand, CA-S has a longer introductory class and a shorter advanced class. (Effective: September 2001)

4. What type of pre-training is recommended for CM/ECF?
ANSWER: New skills for users are required for a successful deployment of this system. Before CM/ECF implementation begins, court staff should be trained on web browsers, basic Windows concepts, file navigation, directory and file structure, and Adobe Acrobat features. SDSD has provided a Windows File Management CBT as a foundation to this internal pre-training program. All external participants should also attain a level of proficiency in these areas for successful use of the CM/ECF system. (Effective: September 2001)

5. What training is provided for court staff?
ANSWER: SDSD provides Application, Dictionary and Train-the-Trainer classes for key court staff. Curriculum description, dates, objectives, prerequisites and materials are available on the SDSD website at: <http://156.132.84.151/courses.asp?APP=DC>.
(Effective: September 2001)

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Trustees
1. How do the U.S. Trustee and panel trustee receive copies of the petition?
ANSWER: Some courts continue to require the filer to provide a paper copy of the petition for the trustees. It is the court's decision to print copies of the petition for electronically filed cases. However, the CM/ECF software has been modified to provide the option to automatically add the U.S. Trustee as a party to a bankruptcy case when it is opened, which will allow for the U.S. Trustee to receive electronic notice of the documents filed in a bankruptcy case via e-mail. The e-mail notification will contain hyperlinks to the petition, other pleadings and the docket sheet. It is then the U.S. Trustee's option to print these documents in their own offices.
Panel trustees receive an e-mail notification upon assignment and can also access the petition via the hyperlink and through standard CM/ECF reports. (Effective: September 2001)
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Privacy Policy
1. The Judicial Conference recently adopted policies governing the electronic availability of federal court case file information. How will this impact the CM/ECF implementation?
ANSWER: The CM/ECF project's implementation schedule will not be affected by the implementation of the privacy recommendations. Changes may be necessary in some of the reports, queries and screen displays to accommodate the privacy requirements, however, those programming changes will be accomplished following normal development procedures and will not impact the implementation process. The proposed policy was taken into account in the development of CM/ECF.
(Effective: November 2001)

2. What can courts do now?
ANSWER: Although, the policy is not effective immediately, courts can begin by making litigants and attorneys aware that they are moving toward electronically available case files by notice and education. Some courts, such as North Carolina Eastern Bankruptcy, are

posting notices at the front counter or on their website informing the public that petitions and other case information is available on the Internet. (See: <http://www.nceb.uscourts.gov/access_to_data.htm>)
(Effective: November 2001)

3. Will the courts need to go back and redact information in existing case files?
ANSWER: The policy will NOT be retroactive, so the courts will not have to go back and redact previous filings. Also, the responsibility to redact documents will not be on the clerk's office. It will be the attorneys' responsibility to inform their client that case files may be obtained electronically and ensure private information is not included in the case files. The clerk's office will not be required to review filings for compliance with the policy.
(Effective: November 2001)

4. What about the Bankruptcy Rules requiring Social Security numbers on court documents?
ANSWER: A subcommittee of the Judicial Conference Committee on Court Administration and Case Management, with the participation of a member of the Advisory Committee on Bankruptcy Rules, has been formed to study issues unique to the implementation of the policies and formulate suggested amendments to the statute, rules and forms that will comply with the policy. Until the statute, rules and forms are amended, no action is required by the clerk's office.   (Effective: November 2001)

5. Where can I go for more information?
ANSWER: You can get a copy of the complete policy at <http://www.privacy.uscourts.gov> or contact Katie Simon at Katie_Simon@ao.uscourts.gov or 202-502-1560.
(Effective: November 2001)

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